

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK**

**IN RE: ORAL PHENYLEPHRINE  
MARKETING AND SALES PRACTICES  
LITIGATION**

**MDL No. 1:23-md-3089-BMC**

**This Document Relates to  
ALL CASES**

**CONSENSUS PLAINTIFFS' PROPOSED  
CASE MANAGEMENT CONFERENCE AGENDA**

Pursuant to Case Management Order No. 1, the Consensus Plaintiffs submit this Proposed Agenda for the first Case Management Conference set for April 2, 2024.

I. Agenda items set forth by the Court in Case Management Order No.1

- Consolidation of all cases (and whether certain subsets of cases should be coordinated in any way)
- Appointment of Lead Class Counsel and Liaison Counsel
- An initial discovery schedule
- A class certification schedule
- Entry of orders directing preservation of evidence and a protocol for discovery of ESI

II. Agenda items added by the Consensus Plaintiffs<sup>1</sup>

- Entry of Confidentiality/Protective Order
- Timing of a Master Complaint
- Automatic Disclosure Requirements

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<sup>1</sup> In an effort to submit a *Joint* Proposed Case Management Conference Agenda, Consensus Plaintiffs shared this proposed Agenda with Defendants' counsel on March 16, 2024 and previously discussed each topic on March 14, 2024. However, on March 28, 2024, Defendants advised that they did not want to join in submitting this Joint Proposed Case Management Conference Agenda with the Consensus Plaintiffs because "the Court did not direct the parties to submit a joint agenda" and despite our suggestion that a Joint Agenda could place the parties agenda items all in one document for the Court, they advised "Defendants will separately be submitting their proposed agenda items."

- Designation of Defense Liaison Counsel
- Monthly Status Conference Schedule

Dated: March 28, 2024  
New York, New York

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*Plaintiffs' Proposed Executive Committee and  
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